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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,558	12/01/2000	Ryo Ozawa	P20020	1830

7055 7590 02/08/2007  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER
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CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/08/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/08/2007.

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gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/726,558	<b>Applicant(s)</b> OZAWA, RYO	
	<b>Examiner</b> Dave Czekaj	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

On page 10, applicant argues that Kanno fails to disclose patient data list displayed on a monitor. While the applicant's points are understood, the examiner respectfully disagrees. The examiner relied upon Nishikori, not Kanno, to teach the patient data list displayed on a monitor, in which Nishikori discloses in figures 15D, 15F, 15I, and 15J. Therefore the rejection has been maintained.

On page 11, applicant argues that Kanno fails to disclose a scene changing system that changes a scene displayed on a monitor between an endoscope image display and a patient data list display. While the applicant's points are understood, the examiner respectfully disagrees. See for example Kanno figure 32, and column 23, lines 37-65. There Kanno discloses an interface for changing the scene on the monitor between a patient data list, endoscope image, optical disc management, and image search screens. While Kanno discloses the selection from a main menu, the examiner notes the claim language does not preclude the selection from a main menu. Therefore the rejection has been maintained.

On pages 11-12, applicant argues that Nishikori fails to disclose that data can be selected from the list. While the applicant's points are understood, the examiner respectfully disagrees. See for example Nishikori figure 15f. There Nishikori illustrates patient data in which number 12 is being recalled, or selected. Therefore the rejection has been maintained.

***Claim Rejections - 35 USC § 103***

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-9, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al. (5583566), (hereinafter referred to as "Kanno") in view of Nishikori et al. (5627584), (hereinafter referred to as "Nishikori").

Regarding claims 1, 7, and 15 Kanno discloses an apparatus for interfacing a medical instrument wherein no cable for transmitting information is required (Kanno: column 4, lines 63-65). This apparatus comprises an "endoscope having a solid state image sensor provided at a distal end, an image signal processing unit that produces a video signal based on the image signals, and a monitor for reproducing and displaying the images" (Kanno: column 7, lines 43-54, wherein the solid state image sensor is the CCD which is located on the tip or distal end and the signal processing unit is the conversion of the input signal to a video signal). The system further comprises a "scene changing system that changes a scene on the monitor between an endoscope image display scene and a patient data list display scene" (Kanno: figure 32, wherein the user has the ability to change the scene between the endoscope image display or endoscope inspection and the patient data list or patient data management), "storage system that stores patient data forming a patient data list" (Kanno: figure 30A, column 22, lines 49-55, wherein the storage device is

the hard disc), "a selection system that selects individual patient data" (Kanno: figure 32, column 23, lines 53-67 – column 24, lines 1-67, wherein the selection system is the program displayed on the screen in figure 32), and a "display control system that displays the individual patient data together with the endoscope image on the monitor when the scene is changed from the patient list to the endoscope image display" (Kanno: figures 24 and 33, wherein the endoscope images are displayed in box 203a). Kanno further discloses an "indicator system that visually indicates patient data to be selected from the patient data list" (Kanno: column 23, lines 47-55, wherein the visual indicator is the mouse), "manual operation system that controls the indication of the patient data to be selected from the list" (Kanno: figure 32, column 23, lines 53-67 – column 24, lines 1-67, wherein the operating system is the program that runs the menu displayed on the screen in figure 32) and a "manual settlement system that manually settles the indication of the patient data to be selected from the patient data list" (column 23, lines 47-55, wherein the settlement system is the mouse in that the mouse "click" manually settles or selects the appropriate data). However, this apparatus lacks displaying the patient data list on a monitor. Nishikori teaches that prior art endoscope systems make the operating procedure more complex (Nishikori: column 1, lines 48-52). To help alleviate this problem, Nishikori discloses "a patient data list which is displayed on the monitor" (Nishikori: figures 15D, 15F, 15I, and 15J). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made

to take the apparatus disclosed by Kanno and add the patient list display taught by Nishikori in order to obtain an apparatus that makes operating procedures less complex.

Regarding claims 2 and 8, Kanno discloses an "editing system that edits the patient data forming the patient data list" (Kanno: column 25, lines 21-25, wherein the editing system is the patient data management).

Regarding claims 3 and 9, Nishikori discloses "the production of the video signal is performed by the image signal processing unit such that as much patient information as possible is included in the patient data list to be displayed on the monitor when the scene is changed from the endoscope image display to the patient data list display" (Nishikori: figure 15D, wherein the endoscope image display is invoked by pressing the CV-100 button, figure 15I, wherein the screen is shown to occupy the entire screen to display as much information as possible).

Regarding claims 6 and 12, Kanno discloses an "editing system that edits the patient data forming the patient list" (Kanno: column 25, lines 21-25, wherein the editing system is the patient data management), and a "determination system that determines whether the editing of the patient data is performed by an editing system after the activation of the manual settlement system, the editing of the patient data being settled by an activation of the manual settlement system when the performance of the editing of the patient data is confirmed by the determination system" (Kanno: column 23, lines 47-55, wherein the settlement system is the mouse in that the mouse "click" manually settles or selects the

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appropriate data. The data will not be edited until the selection is "clicked" or confirmed by the system).

3. Claims 4, 10, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al. (5583566), (hereinafter referred to as "Kanno") in view of Nishikori et al. (5627584), (hereinafter referred to as "Nishikori") in further view of Ozawa et al. (6154248), (hereinafter referred to as "Ozawa").

Regarding claims 4, 10, 13, and 14 note the examiners rejection for claims 1 and 7, and in addition, although one of ordinary skill would realize that Nishikori's apparatus would utilize clock signals to transfer data, Nishikori fails to disclose the specifics of the clock signals as claimed. Ozawa teaches that connecting an endoscope to peripheral equipment based on one frequency can lead to a deteriorated quality of the reproduced color image (Ozawa: column 2, lines 66-67 – column 3, lines 1-36). To fix this problem, Ozawa discloses an apparatus that outputs digital images based on a second series of clock pulses having a frequency different from that of the first series of clock pulses (Ozawa: column 3, lines 39-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Nishikori, add the display system taught by Kanno, and add the multiple clock pulses with different frequencies taught by Ozawa in order to obtain an apparatus that produces superior video quality. One would be further motivated since Nishikori is silent on how to do so.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC



MEHRDAD DASTOURI  
SUPERVISORY PATENT EXAMINER

*TC 2600*